

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **DISTRICT OF NEVADA**

3       JAUCCELL BRITT,

4               Plaintiff

5       v.

6       WASHOE COUNTY,

7               Defendant

Case No.: 3:21-cv-00139-MMD-WGC

**Report & Recommendation of  
United States Magistrate Judge**

9               This Report and Recommendation is made to the Honorable Miranda M. Du, Chief  
10       United States District Judge. The action was referred to the undersigned Magistrate Judge  
11       pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR 1B 1-4.

12              Plaintiff initiated this action by filing a blank application to proceed *in forma pauperis*  
13       (IFP), and a blank complaint form, and then a document stating that while he was in the Washoe  
14       County Jail, he suffered injuries where both wrists were broken, he pulled a muscle and had an  
15       aneurism and multiple strokes. (ECF Nos. 1, 1-1, 1-2, 1-3.) That document contained an address  
16       on Monroe Street in Reno, Nevada. As a result, the court issued an order denying the blank IFP  
17       application without prejudice and directed the clerk to send Plaintiff a copy of the instructions  
18       and IFP application for a *non-prisoner*, as well as a section 1983 civil rights complaint form and  
19       advisory letter. The court gave Plaintiff 30 days to file the completed IFP application or pay the  
20       \$402 filing and administrative fees, and to file a completed civil rights complaint. He was  
21       cautioned that a failure to do so would result in dismissal of his action without prejudice. (ECF  
22       No. 6.)

1 On April 26, 2021, Plaintiff filed an IFP application and the form complaint where he  
2 filled in his name and signed it, but provided no allegations or other details regarding any alleged  
3 constitutional violations. (ECF Nos. 8, 8-1.) Plaintiff then filed a notice of change of address  
4 indicating he was housed at the Washoe County Detention Facility (WCDF).

5 Since Plaintiff was an inmate within WCDF, the court ordered him to file a completed  
6 IFP application and financial certificate for an inmate as well as a completed civil rights  
7 complaint. (ECF No. 11.)

8 The court specifically advised Plaintiff that he was required to submit a certified copy of  
9 his trust fund account statement (or institutional equivalent) from the appropriate official at  
10 WCDF.

11 On August 11, 2021, Plaintiff filed a short form application to proceed IFP, which is not  
12 on the court's IFP application for inmates, and did not include the required financial certificate  
13 from WCDF. (ECF No. 12.) As such, the court denied Plaintiff's IFP application without  
14 prejudice. (ECF No. 14.) Plaintiff also filed a new complaint. (ECF No. 13.)

15 The court directed the clerk to send Plaintiff a copy of the instructions and application to  
16 proceed IFP for an inmate, and ordered Plaintiff to file the complete IFP application for an  
17 inmate and the required financial certificate or pay the full filing fee within 30 days of the court's  
18 August 16, 2021 order. Plaintiff was cautioned that a failure to timely file the completed IFP  
19 application and financial certificate or pay the filing fee may result in the dismissal of his action  
20 without prejudice. (ECF No. 14.)

21 To date, Plaintiff has not filed the IFP application for an inmate or the required financial  
22 certificate. In fact, the court's latest order was returned as undeliverable, and Plaintiff has not  
23 filed an updated address in accordance with Local Rule IA 3-1.

1 As a result of Plaintiff's failure to file the correct IFP application and financial certificate  
2 despite being given multiple opportunities, and the failure to update his address, it is  
3 recommended that this action be dismissed without prejudice and the case be administratively  
4 closed.

5 **RECOMMENDATION**

6 IT IS HEREBY RECOMMENDED that the District Judge enter an order **DISMISSING**  
7 this action **WITHOUT PREJUDICE**, and administratively close the case.

8 The parties should be aware of the following:

9 1. That they may file, pursuant to 28 U.S.C. § 636(b)(1)(C), specific written objections to  
10 this Report and Recommendation within fourteen days of being served with a copy of the Report  
11 and Recommendation. These objections should be titled "Objections to Magistrate Judge's  
12 Report and Recommendation" and should be accompanied by points and authorities for  
13 consideration by the district judge.

14 2. That this Report and Recommendation is not an appealable order and that any notice of  
15 appeal pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure should not be filed  
16 until entry of judgment by the district court.

17  
18 Dated: September 16, 2021

19 

20 William G. Cobb  
21 United States Magistrate Judge  
22  
23